

The Smithfield Town Council held its regular meeting on Tuesday, March 1<sup>st</sup>, 2016. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor; Ms. Connie Chapman, Dr. Milton Cook, Mr. Michael Smith, Mrs. Denise Tynes, and Mr. Randy Pack. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William H. Riddick, III, Town Attorney; Ms. Ellen Minga, Town Treasurer; Mr. Steven Bowman, Chief of Police; Mrs. Lesley King, Town Clerk; and Mr. William Saunders, Planning and Zoning Administrator. There were eleven (11) citizens present. The media was represented by Mr. Matt Leonard and Diana McFarland of The Smithfield Times.

Mayor Williams – I would like to bring the Smithfield Town Council meeting of March 1<sup>st</sup>, 2016 to order. It is now 7:30 p.m. I would like to welcome you all for coming out tonight. Thank you so very much for coming here. At this time, we will stand and say the pledge. We have Jason Phelps with us from Boy Scout Troop #7 Jason, please come forward and have everyone stand and lead us in the pledge.

*All present stood and recited the Pledge of Allegiance to the Flag.*

Mayor Williams – Thank you Jason. We appreciate it. I would like to recognize a couple of people here with us tonight. We have our fine and wonderful, Ms. Ellen Minga who is the Town Treasurer. We also have Mr. Bill Davidson who is the Chairman of the Planning Commission. We have the Vice Chairman of the Planning Commission, Mr. Charles Bryan. Mr. Dick Grice from the Isle of Wight Board of Supervisor, Smithfield District is also here. Thank you all for coming out tonight. We now move to the Informational Section with our Manager's Report.

Town Manager – Thank you, your Honor. Welcome everyone. The February Activity Report was posted online. Also, as of today, online is our 2015 Annual Report as well as the fiscal year 2014/2015 Annual Audit. Those items are on the website. We are making progress on the brand new website which will be mobile app friendly finally. Hopefully, there will be easier access to some of these things we are putting on the website. We are down the home stretch. We did a supplemental posting today with additional items. The first was the Isle of Wight Museum report. We have a two page agreement to authorize me to accept, under new business, the two million dollar grant from the Luter Foundation for the ball fields. We also have property swap information in terms of what the town would be providing to Smithfield Foods in turn for the V.W.

Joyner property on Main Street. It used to be my old office. We hold events there and have been talking about this for several years. You had previously authorized it but now we have it defined clearly. It is just a housekeeping item. The town attorney will cover that under new business. We do need a brief closed session this evening for the acquisition and disposition of real property. The meeting schedule is also included with the agenda. We have a Pinewood Heights Management Team meeting. We had a neighborhood meeting last month so this will just be the Management Team. It will be next Tuesday at 4:00 p.m. prior to the Planning Commission meeting at 6:30 p.m. The Board of Historic and Architectural Review will meet on March 15<sup>th</sup> at 6:30 p.m. We will not have a Board of Zoning Appeals meeting this month. Committees are on March 28<sup>th</sup> and 29<sup>th</sup> beginning at 4:00 p.m. each afternoon here at the Smithfield Center. As a final note, I had informed the Mayor and Vice Mayor today that my daughter and I will be flying to Illinois next week to spend time with my Dad. He is still recovering. I will be out of the office next week on leave. Thank you.

Mayor Williams – Does anyone have any questions for the Town Manager? Hearing none, we will move to Public Comments. The public is invited to speak to Council on any matter except scheduled public hearings. We have three tonight. There will be a separate sign-up sheet for those. We also have a sign-up sheet for public comments. Comments are limited to five minutes unless you need a few seconds more. Any required response will be by the Town Manager. Public comments are now open. Does anyone have any comments? Hearing none, public comments are closed. We now move to a Briefing by Mr. Richard Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – I got home after voting and had about forty five minutes to write my notes I am going to read them because I did not memorize them. I will give the paper to Councilwoman Tynes because she wanted a hard copy. I am Dick Grice, Smithfield's District Board of Supervisor member. We had a special work session on February 4<sup>th</sup>. At that work session, the Board was presented with our debt situation with representatives from Davenport as part of the Board preparation for the upcoming fiscal year budget preparation. There were three things that I walked away with from that meeting. The School Board represents the largest expense line in our budget. As such, we must continue to have an ongoing and open dialogue between the School Board

and the Board of Supervisors to remain efficient and effective. There is a meeting set up between both Boards. It is supposed to be a couple of days before March 17<sup>th</sup>. Looking at my notes, I cannot quite remember the date. It will be made public shortly. The second is that the county has a very, very high debt to resident ratio. Taking on more debt needs to be avoided at most costs. I like to keep things simple because I am a simple business man. In the current county environment, every million dollars of additional expense is equal to three cents in additional residential property taxes. That is what it boils down to. For every million dollars that we layer on, in either servicing debt or operational costs that is what it comes to. We do not have the diversified tax base in our county that we need to have. If we want to have more for our community yet hold property taxes in check, we must change from a passive mode of recruiting industry and business to our county. We need to take an aggressive, headhunter search posture. We need to go after them; not wait for them to come. It is the only way we can diversify and grow our tax base and get some of the things that we would like to have without really damaging a lot of people in the community with additional residential property taxes. Additionally, at that meeting, we talked about the Southeastern Public Service Authority (SPSA) agreement that terminates in approximately two years. The county attorney is representing us on that Board as we determine how refuse is to be handled in most of Southampton Roads for the next several decades. While this may sound like a trashy matter, it is indeed no small matter. By the way, that is my joke for the evening. At the regular meeting, briefly, we managed to pass our support for the sport complex. The Board voted unanimously in favor of the project. The Board also agreed that there needs to be more than one meeting per month if we are to be properly informed and to have a direct relationship with county staff. The first Board work session, under this program, will occur on March 7<sup>th</sup> at 1:00 p.m. I have asked for and the Board has supported that an RFP be prepared to enter into a contractual agreement, on a commission basis, with a non-governmental agency to use headhunter techniques to identify moderate water using industry organizations that we can entice to move to our industrial park. We need taxes, water use, and jobs. Thank you.

Mayor Williams – Does anyone have any questions for Supervisor Grice?

Councilman Dr. Cook – I am glad to get a county update for the first time in about a year. Thank you for updating us on what you all are doing. I look forward to hearing future updates.

Supervisor Grice – I guarantee to only tell one joke during each session.

Mayor Williams – Thank you very much Supervisor Grice. We now move to Council Comments. Does any Council member have any comments?

Vice Mayor Gregory – Thank you, Mr. Mayor. I wanted to take just a minute to say thank you. It has been, maybe, seven years or longer that we have been working towards funding for what initially started as baseball fields. Now it has turned into what I think will be just a phenomenal gem for the town and the county with the Joe Luter Jr. Sports Complex. I want to thank town and county staff who have dedicated a lot of time working towards this project. It has failed several times before but they did not give up on it: Mayor Williams, Larry Pope, Smithfield Foods, Mr. Luter and his Foundation for their generous contributions, and Windsor Athletic Association. I was out of town during the Board of Supervisors meeting but I watched the video. I was well represented. I watched the video of the meeting and saw the representatives from Windsor Athletic Association who came and spoke in favor and support of the project. To me, you do not want to rate things but it meant a lot to me personally. It meant a lot to the folks of Smithfield that a group such as them. Being in a similar bind with facilities that could probably use some upgrading, they came and spoke in favor of it. I am proud of them for that. I also want to thank Smithfield Recreation, Pop Warner Football, Smithfield Soccer, any citizen who wrote a letter, email, spoke at a meeting, or filled out a survey. I had almost one thousand people fill out a survey. Trying to get one thousand people to fill out a survey for anything these days is tough. I want to thank all of those folks. I want to thank the members of the Board of Supervisors, Supervisor Grice, and the rest of the Board. When Mayor Williams and I first went to the initial meeting to ask for their portion of the funding, it looked like two people were in favor and three people who were against or on the fence. Kudos to the Board of Supervisors for taking the time to get feedback from all of their constituents from all parts of the county. It became a unanimous vote. I am very proud of those things. I know there were some comments about the sports complex, in general, and how it will appeal to everybody whether it be kids in the county, kids in the town, minorities etc. One of the things I am most proud

about with this sports complex is its location. I know a lot of folks over the years have talked about the amount of resources, time, and money that goes into things in the historic district and around our financial hubs and restaurants. This sports complex is going on the west side of town towards Route 258. It is right in the middle of where a lot of our minority kids reside. They will be within walking distance of this park. None of the organizations that will be running leagues at this facility have ever turned anybody away. They have programs for everybody out there who might be worried about fees and being able to afford to play quality youth team sports. I think that has been addressed. I do not want it to be lost that when you add everything together we are looking at a total investment from all parties involved in excess of four million dollars. It is really hard to do. I am proud of all of those things. Lastly, I will wrap up and apologize for going long. We have started the preliminary work on finalizing where the exact pieces of the complex can fit, will fit, and where they will go. While I cannot make a formal announcement, special attention was made and it does appear that we are not going to have to move, to damage or to replace the Womble House that is on the property. Special care is going to be made in order to identify the couple of graves that are on the site to preserve, protect, and do whatever we can to make sure that those are respected. While we do not have funding to repair and restore the Womble House, we are going to be able to leave it alone. Some of the Council members went in there the other day. I know it was a concern that was brought up in the newspaper. I think we have found a way to address that. I really feel that this is a project that everybody can get behind whether you are a historic person, a sports person, or an economic impact person. All of those things are being addressed. I look forward to the hard work ahead.

Thank you.

Mayor Williams – Thank you Vice Mayor Gregory. That was very well put.

Councilman Pack – I think Vice Mayor Gregory has one piece of information that we received late this afternoon via text with regards to the economic impact. I thought it was pretty interesting potential for us if you want to pick it up from here.

Vice Mayor Gregory – Thank you. I appreciate that. It was brought to our attention from tourism that the City of Williamsburg released figures that their sports complex resulted in what I believe was fifty thousand individual hotel stays last year. They just built it a couple of years ago. The economic impact number was ten million dollars.

While the plans for what we are constructing are not quite at the level of the Williamsburg sports complex represents, it is not dissimilar in nature. It is just slightly smaller in scope. We hope that if we can have any type of impact close to that then obviously we will be tickled to death. Thank you. I appreciate you mentioning it.

Mayor Williams – Are there any other Council comments? Hearing none, we now move to the consent agenda items. Would any Council member like to pull any item for further discussion? Hearing none, we have nine items tonight. We will start with the Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. My first item is a motion to approve a streetlight at the entrance of Kendall Haven and Battery Park Road. The reason this was requested was because it was a danger right there and blocking the light when they developed the area there. The lights they put there were pretty much something you would not want in your yard. Now that Battery Park Road has developed over the years, you have more traffic. I have witnessed close accidents there myself with people trying to turn in at night time. They cannot see the median there because of lack of light. It is one reason why it was requested there for public safety. The next item is a resolution for street closure and traffic assistance for the Sprint Triathlon Race on Saturday, April 2<sup>nd</sup>, 2016 from 10:00 a.m. until 3:00 p.m. This is something that we have had before. Nothing has changed. It is an annual event. The last item is a resolution for partial street closure for the 5<sup>th</sup> Annual Wine and Brew Festival on Saturday, April 9<sup>th</sup>, 2016. If you are familiar with that you know that this is one of the town's major annual events for bringing in a lot of people. It is a partial closure and is due to public safety. Thank you.

Mayor Williams – Thank you, Mrs. Tynes. We now move to the Water and Sewer Committee Chairman, Mr. Andrew Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. Thank you, Mr. Mayor. There is only one item on the agenda for water and sewer. We have a pump replacement for the Crescent Pump Station. It is a pump that had been repaired or restored, I believe, three times before now. Now the cost to repair it is in excess of what the cost would be to purchase a new one. We are asking for authorization to go ahead and purchase the new pump.

Mayor Williams – Thank you. Next, we have Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. As we are all aware, invoices over ten thousand dollars require Council authorization. Tonight, there is no shortage of those. We will start with Canada Land Surveying. It is the surveying for the new proposed ball fields for \$15,000.00. The next is to J & B Hartigan for work being done on the Police Evidence Storage project. We have been assured that they are up to date and on schedule. It is for \$62,553.99. Draper Aden Associates did some work for us on Waterworks Road on our dam. We owe them \$19,024.87 for their work so far. Draper Aden also had a progress billing on our town water and utility master billing as well as a meeting onsite underneath the bridge at Smithfield Station to do a water line replacement. We have money in the CIP for the water line replacement. It is going to have to happen sooner than later. Kimley Horn & Associates has billed \$11,250.00 for some engineering on the Clontz Boat Ramp. It is a good one because while we will pay it out now; it will be fully refundable to the town at the conclusion of the project. It is part of the grant we received through the Recreational Fishing Advisory Board and VMRC in December. We also have an Isle of Wight County E911 True Up. This has been an item of contention amongst us and the county. It is still not resolved. We feel that we owe \$81,466.10. The county feels we owe more. This was due in June. We decided we would just go ahead and pay what we feel is the right thing. We are not getting any answers otherwise so we will see where we go from there. We have some additional invoices that were not on our agenda at committee level. The first is from Robinson Farmer Cox Associates for our year-end audit services for 2014 and 2015 for \$23,500.00. I will once again remind you that this is a considerable savings from the folks we were using before. They are doing a fantastic job. It is year three with these guys. We are also going to give the county some more money for tourism. The next two bills both go to tourism. The first is for tourism and the second is for E911. These are our mid-year budgeted contributions. We like to pay mid-year to help bring the cost down. These are roughly fifty percent of what we budgeted this year for tourism and E911. Tourism will receive \$99,024.50 and E911 will be \$79,879.50. We recommend all of these items for approval this evening.

Mayor Williams – Thank you. We now move to Parks and Recreation Committee Chair, Ms. Connie Chapman.

Councilwoman Chapman – Parks and Recreation Committee Summary. Thank you, Mayor. We have a resolution tonight for a partial park and trail closure for the 5<sup>th</sup> Annual Smithfield Wine and Brew Festival by Smithfield VA Events. The pier closure will be Wednesday, April 6<sup>th</sup>, 2016 from 12:00 p.m. until 6:00 p.m. on April 9<sup>th</sup>, 2016. The trail closure would be the day of the actual event, April 9<sup>th</sup> from 11:00 a.m. until 5:00 p.m.

Mayor Williams – Thank you. Next we have Public Works Committee Chairman, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. We have two items on the agenda tonight. We have a resolution to accept the streets in the Town of Smithfield's maintenance system. This is so we can enroll qualifying streets for municipal assistance in the state maintenance program. We receive funding for this so it is important that we list the streets so that we can get this funding to help us maintain the streets. The second item is a motion to direct the Town Manager to send notice of corrective actions required to All Virginia Environmental Solutions (AVES). Last year, when we did the renewal of their contract, we decided to renew their contract for two years with a one year evaluation in performance for any corrective action that needed to be taken after that. We are asking the Town Manager to send notification for corrective action at this time.

Mayor Williams – Thank you, Mr. Smith. The last item is a motion to amend the 2016 meeting schedule in regards to the September Committee dates. The committee dates are on September 26<sup>th</sup> and 27<sup>th</sup>. We want to move those to September 19<sup>th</sup> and 20<sup>th</sup>. The reason is that Smithfield Foods and the NBC sports network wants to have a bowling event for the Women's Association of National Bowling League. They want to come here and use it that whole week. It will be a lot of people coming to town that week. They will be staying in hotels and eating in several different places. It will bring a lot of people. It is a really good thing for Smithfield. It will be on the NBC sports network. We can come up here and watch them bowl.

Councilman Pack – Are they going to bowl in the Smithfield Center?

Mayor Williams – Yes. They will bowl in the Smithfield Center. If this is approved tonight, they will have to send someone here to make sure we have enough electricity and a large enough space. They have already said that the space is big enough to be able to have it. They will come here and set up the bowling lanes.

Town Manager – They set up on a Sunday and do not leave until Friday.

Mayor Williams – It is the motion we are making. It is sponsored by Smithfield Foods. They are the ones that ask us to move our meeting dates up one week. It is a good thing because our Town Manager will now have the opportunity to go to a very important meeting that he has not been able to make in the last year or two. He can now go that week on that meeting. Are there any questions for the consent agenda items?

Vice Mayor Gregory – I make a motion to approve the consent agenda items as presented.

C1. Motion to Approve Streetlight at the Entrance of Kendall Haven and Battery Park Road.

C2. Resolution for Street Closure/Traffic Assistance for Sprint Triathlon Race, Saturday April 2<sup>nd</sup>, 2016 from 10:00 a.m. until 3:00 p.m.

C3. Resolution for Partial Street Closure for the 5<sup>th</sup> Annual Wine and Brew Festival, Saturday, April 9<sup>th</sup>, 2016.

C4. Motion to Authorize the Town Manager to Order New Pump for the Crescent Pump Station.

C5. Invoices Over \$10,000 Requiring Council Authorization:

a. Canada Land Surveying	\$ 15,000.00
b. J & B Hartigan	\$ 62,553.99
c. Draper Aden Associates	\$ 19,024.87
d. Draper Aden Associates	\$ 12,352.51
e. Kimley Horne Associates	\$ 11,250.00
f. IOW – E911 True Up	\$ 81,466.10
Additional Invoices:	
g. Robinson Farmer Cox	\$ 23,500.00
h. IOW – Tourism	\$ 99,024.50
i. IOW – E911	\$ 79,879.50

C6. Resolution for Partial Park Closures of Fishing Pier on Wednesday, April 6<sup>th</sup> thru Saturday, April 9<sup>th</sup> and Trails on Saturday, April 9<sup>th</sup> from 11:00 a.m.to 5:00 p.m., for the 5<sup>th</sup> Annual Wine and Brew Festival.

C7. Resolution to Accept Streets in the Town of Smithfield's Maintenance System.

C8. Motion to Direct Town Manager to Send Notice of Corrective Actions Required to All Virginia Environmental Solutions (AVES).

C9. Motion to Amend the 2016 Meeting Schedule in Regards to the September Committee Dates.

Councilman Dr. Cook – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – We now move to the Action Section of the agenda. The first item is by the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Thank you, Mr. Mayor. This evening we have a motion to approve a partial funding request from the Blackwater Regional Library (Smithfield Branch) for scanning equipment. The purpose of this equipment is to digitize The Smithfield Times. In our budget we have approximately \$6,500.00 left and tagged for the Friends of the Smithfield Library. I called Jim Phillips today. He is the president of the Friends of the Smithfield Library. I ask him what his take on it was. I feel, speaking just for me, that the money that we tagged was specifically for the Friends of the Smithfield Library. I told him if he gave me his blessing on it that I was okay with it. Mr. Phillips did not give me his blessing. He had two points. He thought that the equipment they were purchasing was seriously overpriced. Secondly, he felt that the technology they were purchasing was already outdated and they could use better money with that. After speaking with him today, I do not feel comfortable supporting this motion. I would like to make a motion that we do not approve any funding for the scanning equipment at this time. If we are to approve some in the future that it comes from the Friends of the Library and let those guys work out with Blackwater as to what they need.

Councilman Smith – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion?

Councilman Dr. Cook – I know there is a motion on the floor but would it be advisable to table this until next month and have Mr. Phillips come to us. I agree. This is Friends of the Smithfield Library money. It is; not budgeted for the Blackwater Regional Library. It is not earmarked for them. Do you think it would be best to listen to what he has to say and the reasons behind not supporting it? I trust that you talked to him and he said no. I just did not know if it would be worthy of waiting a month so we can all listen to him.

Councilman Pack – I do not know. I would have a tough time funding money for a group that it is not intended for. It is in a roundabout way. My thought is that if the Friends of the Smithfield Library want this then let them come back and ask us for it. At this point, the Blackwater Regional Library has come and asked us for Friends of the Smithfield Library money so I am inclined to say no. If they want this equipment then let the Friends of the Library buy it for them or budget for it.

Vice Mayor Gregory – I have a quick question for our Town Attorney. I am happy to vote on the motion but if we do not want to fund something is it not best to drop it and not even have a vote and move on. Do we need a motion?

Town Attorney – You can do it either way. If you do not take any action then it will not be funded. It is on your agenda. You can defer it or take no action. You can vote it down, take no action, or you can approve. It is on your agenda so you have to dispose of the item somehow.

Mayor Williams – Does any other Council member want to weigh in?

Councilman Smith – I would like for us to vote on it tonight. They can come back and talk to us about what they really need and their concerns and then we could bring it back up. I think we should put this to rest.

Councilman Pack – I agree.

Mayor Williams – There is a motion on the floor to not approve the funding for the scanning equipment for the Blackwater Regional Library. Is there any further discussion? A motion has been made and properly seconded. Roll call vote.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Vice Mayor Gregory voted aye, Councilman Dr. Cook voted aye, Councilwoman Chapman voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Our next item is a Public Hearing: Special Use Permit – Columbarium. We will have a staff presentation by Planning and Zoning Administrator, Mr. William Saunders.

Planning and Zoning Administrator – Good evening Mr. Mayor and Town Council. This is an application for a special use permit. The applicant is Mr. Clay Griffin of Trinity Methodist Church at 201 Cedar Street in Smithfield. This is a special use permit to allow for a columbarium within the Downtown Neighborhood Residential Zoning District. It is a special use permit item for or a columbarium. The approval that is sought tonight will be a columbarium structure that would accommodate a maximum of two hundred urns. They do not intend to build all of this at first. The first phase would probably only accommodate fifty or so. They want to get approval for future phases if this is a successful venture. They do not want to have to constantly come back for further approvals. If you look in the packet, you can see that the proposal will be surrounded by a brick wall. There will be a garden inside of the brick wall. It will be gated and have hours from approximately dawn to dusk so people can access the area. There will be columbarium niches within it. If you look at the picture that shows the back of the church currently from the Mason Street side, you will see a privacy fence that is around some air conditioning equipment. The privacy fence will also be replaced as part of the project. The columbarium will go in the grassy area down the hill from that as you can see in your site plan sketch that is provided with it. They intend to match the brick on the wall to the brick on the church as closely as they can to help it blend in. This item went to the January 12<sup>th</sup>, 2016 Planning Commission meeting. The Planning Commission recommended approval with no conditions. This was also approved at the January Board of Historic and Architectural Review meeting. The strengths that we defined would be that the church would have the opportunity to accommodate their member's internment without the space necessary for a cemetery. We did not identify any weaknesses with this project. I will be glad to answer any questions.

Mayor Williams – Does anyone have any questions?

Councilwoman Tynes – Do you have an extra copy of the pictures? I missed the committee meeting.

Planning and Zoning Administrator – Yes.

Councilwoman Tynes – Thank you.

Mayor Williams – I now declare the public hearing open. We have one sign up which is Mr. Clay Griffin.

Mr. Griffin – Thank you very much. I have been a resident of Smithfield my entire life. Mr. Saunders pretty much summed up everything. The one thing, I think, that I need everybody to know is that from the aesthetic side of this it will add a lot of value to what we are doing at the church. We are going to take all of the wood structures down. It will be replaced with brick. We have several contractors that we have already contacted. We have not decided yet who will do it. We are putting it out for bid and doing it the right way. We intend to have it match the new section we just finished. The brick will be as close as we possibly can get it. Mr. Saunders summed it all up. This has been a large topic of conversation within the congregation. We are very interested in moving forward. Crematories seem to be interesting to more and more of our people. I took the task to take care of it. I will be overseeing it and it will be done right. We appreciate your time and hope we can get it approved.

Mayor Williams – The public hearing is still open. Would anyone else like to weigh in on this? Hearing none, the public hearing is closed. We will now have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Thank you Mr. Mayor. As an item of full disclosure, I am a member of Trinity United Methodist Church. However, I do not plan on using the columbarium anytime soon so I do not think there is a whole lot of conflict of interest. Do any Council members have any comments?

Councilman Pack – I just wanted to say that this did come before us at Planning Commission. It was presented and a unanimous decision was made to send it to Council for approval. There were very happy with it at Planning Commission. There were no revisions. We did not ask them to change anything. We were very happy with the way it was presented all the way around.

Mayor Williams – I will say that it looks a whole lot better than the fence you have back there now. It really adds to the church.

Councilman Dr. Cook – Are there any other comments? Hearing none, I would like to make a motion that we approve this special use permit by Trinity United Methodist Church.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded to approve. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilman Smith voted aye, Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilwoman Tynes voted aye, Councilman Dr. Cook voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Our next item is another Public Hearing: Pinewood Heights Condemnation – 52 Carver Avenue. We will have a presentation by our Town Attorney, Mr. Bill Riddick.

Town Attorney – Mr. Mayor and members of Council, as part of the Pinewood Heights Relocation Project, we were acquiring properties. One of them was 52 Carver Avenue. Unfortunately, we have not been able to acquire it because there is a title problem. In particular, there are two deeds of trust that remain unreleased. The lady who used to own the property has passed away. Her daughter has no information about these debts. We cannot go through the normal channels to release this. The only way to proceed is with condemnation. Normally, that is something that we do not like to do. In this case, the law provides that you can proceed with eminent domain for the purpose of clearing the title. The lady who owns the property is anxious for us to proceed with this so that we can acquire the property. She has somewhere else to go. This would be something that I would recommend that you do. The law requires that you have a public hearing before you can authorize condemnation and eminent domain for the purpose of condemning this property to clear the title.

Mayor Williams – Thank you. We will now open the public hearing. Would anybody like to comment on Pinewood Heights? Hearing none, I will close the public hearing. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Thank you, Mr. Mayor. I just have one question due to my own curiosity. We have two notes on the house from banks that no longer exist that we cannot clear. Condemning them cleans that all up, correct?

Town Attorney – Correct.

Councilman Dr. Cook – When we buy the property who gets the money?

Town Attorney – We do not know that anything is due. The burden would be on them to come forward and prove that money is due. These are finance companies. They are not in the nature of large commercial banks. In that industry, they have changed hands so often. They have been acquired and re-acquired. We have been through every channel that we know to search and cannot find the successor in interest to these banks. We cannot find them. We cannot contact them.

Councilman Dr. Cook – So this will clear those notes up so that the condemnation allows us to purchase it from the current owner.

Town Attorney – That will take care of the impediment right now. Your action tonight is to authorize proceeding with imminent domain. I can file the lawsuit and we can go through that process.

Vice Mayor Gregory – Furthermore, it would allow us to give a clear title to anybody we might sell it to in the future.

Town Attorney – Correct.

Councilman Dr. Cook – Are there any other comments?

Councilman Pack – I just might add that it is important to note that the current homeowner is in favor of this condemnation. It is probably the first friendly condemnation possibly ever on the books. It is a friendly use of imminent domain if there ever was such a thing. It is important to note that it is not something we are taking from somebody but rather helping the current owner.

Town Attorney – She sends me an email just about every week asking what the status of this process is. She is anxious to see it happen.

Councilman Dr. Cook – Are there any other comments? Hearing none, I would like to make a motion to authorize the Town Attorney to enter into the condemnation and eminent domain of 52 Carver Avenue.

Vice Mayor Gregory – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Councilman Smith voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, Councilwoman Chapman voted aye, Councilman Pack voted aye, Councilman Dr. Cook voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – We now move to a Public Hearing: Ordinance to Amend Franchise Agreement with Smithfield Landing Company. We will have a presentation by our Town Attorney, Mr. Bill Riddick.

Town Attorney – Mr. Mayor and members of Town Council, in 1993 Smithfield Landing Company made a request of Town Council that it grant them a franchise agreement for the right to lease and improve the right of way for the old bridge adjacent to the new Cypress Creek bridge. To put it in perspective, if you are standing at the bridge with Smithfield Station on your left, it is the portion where the boardwalk, the swimming pool, and the smaller buildings are located which is the old right of way for the Cypress Creek bridge. The town acquired that and Smithfield Landing Company asked that they be permitted to lease it. We went through the process which is in the nature of a franchise agreement. A public hearing was held. On April 6<sup>th</sup>, 1993, a franchise was granted to them for a period of forty years. It is now twenty three years later. As part of their business plan, the Smithfield Landing Company has asked that we renew it for an additional period to make a total period of forty years. In other words, they have used up approximately twenty three years of the forty year period. They are asking that the agreement begin now and run for a period of forty years. The terms would be the same but I made a couple of minor changes. More importantly, the law requires that we have a public hearing and that anybody be given the opportunity to bid. The public notice required that applications be received by the Town Manager by noon on Monday. The only application received was a bid by the Smithfield Landing Company. No others were received. They have asked that the franchise be renewed on the same terms and conditions. There are two things that I have changed. The first is the term which would begin in April 2016 and run until 2056. There was a provision in the agreement. I handed a copy out to everyone. If you look at section three, on page two, the original agreement said that it was agreed that the access to the property shall

be the responsibility of the guarantor which would be the town. It did not seem to make any sense. The parking lot is maintained by the Smithfield Landing Company otherwise known as the Smithfield Station. We have transferred that burden to them. They are responsible for maintaining the access to the property. I have contacted the applicant and they advise that they have increased their insurance. If you will notice in section nine, on the third page, we increased the insurance requirements from one million to two million dollars. Certainly, that is a benefit for the town. I have amended the franchise agreement. Otherwise, it remains the same as the original franchise agreement and will extend for a period of forty years. We are required to have a public hearing prior to your adoption of the ordinance.

Mayor Williams – The public hearing is now open. Is there anyone who would like to speak?

Mr. Ron Pack – Mr. Riddick just about covered everything. I am the president of the Smithfield Station. Without getting into all of the details that Mr. Riddick just did, I wanted to give you a little history of how we got where we are. Smithfield Station was built in 1986. As many of you remember, the right of way had been abandoned except for people threw trash there and went fishing there. It was pretty nasty. We had old utility lines going through there. I think the Town of Smithfield was connected to the rest of the world through that roadway there. It belonged to the highway department. It did not belong to Smithfield at that time. Smithfield took the opportunity, working with us, to buy the property from the highway department and did the franchise agreement with us. We spent a considerable amount of time, money and effort over the next couple of years building the boardwalk, floating docks adjacent to it, and a swimming pool. What were originally gazebos later became rental cottages. What originally was an outdoor raw bar became rental cottages because outdoor raw bars do not work well in the winter. Cottages work year round. It was pretty expensive but has been advantageous to us. We also built the lighthouse. Many of you see publications. Anywhere in Virginia now, the lighthouse is kind of like an icon. It is on maps. If you use GPS there is a picture of the lighthouse there. Everything we could possibly do to help Smithfield; the lighthouse has helped us do this. The things that have been positive for us are that it has helped the meal and occupancy tax for the town by about \$240,000.00 per year. That particular piece of property creates \$5,200.00 a year in real estate taxes. It is the

best viewing place in town for fireworks, raft races, and Poker Runs. If any of you have ever been to our Poker Runs, it is a life changing event. We have had weddings out there. We have hotel guests from all over the country come and stay there. It has kept several people employed. A man spends half his life out there fixing things that rust and break. It has been a good deal for both of us. We have been successful. The town has been successful. It is a good town economic development partnership. As Bill said, the franchise agreement is twenty three years old. We had to think about things. This summer we got ready to refinance. If you are a bank and are asking for a twenty year mortgage on your property and you only have seventeen years left on your agreement, financing becomes difficult. This will help us with future financing. This particular year, we did not need it because we got a fifteen year loan but it will help us with anything in the future. We want to stay there and do nice things for everybody. We have been doing nice things for a long time. We think we have been a good steward of the property. We have enjoyed financial success. As a result, so has the town. The last part I would like to read, in conclusion, because I want to make sure I get it exactly right. A copy of this is in your handout. It is the last paragraph. It states: Smithfield Landing Company proposes that the existing franchise agreement shall be amended to extend the franchise term for a period of forty years to begin April 1<sup>st</sup>, 2016 and expire on March 31<sup>st</sup>, 2056. I hope I am still here. All other provisions of the original franchise agreement shall remain unchanged and in full force and effect. For all of the reasons we have set forth in this bid, we believe we are the best people to continue to do what is there. We ask that the Town Council should favorably consider the proposed amendment to the existing franchise agreement with Smithfield Landing Company, doing business as Smithfield Station, to amend their franchise agreement with the Town of Smithfield granting the exclusive right and privilege to lease the certain property owned by the Town of Smithfield and prescribing the terms and conditions and restrictions pertaining to such a grant. We thank you for your consideration. I will be glad to answer any questions. As far as the things that Mr. Riddick brought up, we did not have any problems with those. We have maintained that road for the last twenty three years anyway. The insurance is already done, I believe.

Mayor Williams – Does any Council member have any questions for Mr. Pack? Are there any other public comments? Hearing none, I will close the public hearing. We

will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Thank you, Mr. Mayor. Did any Council member have any comments about what was said? Hearing none, Mr. Mayor, I would like to make a motion that we approve the amended franchise agreement with Smithfield Landing Company.

Councilwoman Chapman – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Councilman Pack abstained, Councilman Smith voted aye, Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilwoman Tynes voted aye, Councilman Dr. Cook voted aye, and Mayor Williams voted aye. There was one abstention. There were no votes against the motion. The motion passed.

Mayor Williams – The next item is a Motion to Approve the Town Council Meeting Minutes of February 2<sup>nd</sup>, 2016.

Town Attorney – Mr. Mayor and members of Council, I have made one minor correction and would recommend the minutes be approved as corrected.

Councilman Dr. Cook – So moved.

Councilwoman Chapman – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? All in favor say aye, opposed say nay.

On call for the vote, seven members were present. Councilman Smith voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, Councilwoman Chapman voted aye, Councilman Pack voted aye, Councilman Dr. Cook voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Our next item is New Business.

Town Manager – We have the one new business item. I would recommend that you authorize me to sign the grant agreement from the Luter Family Foundation in the amount of two million dollars for the sports complex as mentioned previously. It does require my signature. I would request that you authorize me to sign that before two

million shows up in our bank account in escrow. The Town Treasurer will need to be authorized to put that money in escrow for that said purpose.

Councilman Dr. Cook – So moved.

Town Attorney – For the record, the purpose of this agreement is that it is a charitable donation. It comes with strings. The strings are that it can only be used for this specific purpose. There were certain reporting requirements. It is very important to Mr. Luter because it is a tax deductible donation and we have to abide by the conditions. We are just affirming that we agree to abide by his conditions.

Vice Mayor Gregory – Second.

Councilman Smith – This money is in a special account. Is that correct?

Town Attorney – Yes.

Town Manager – Yes it is. We also have the half million, so far, that we received from Smithfield Foods. The other half million is coming.

Councilman Smith - I just wanted to make sure.

Mayor Williams – A motion has been made and properly seconded to accept the two million dollars. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilwoman Chapman voted aye, Councilman Pack voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Is there any further new business?

Town Attorney – Yes sir. I passed out copies of survey plats prior to the meeting. In June of 2014, we brought to Town Council the prospect of swapping property with Smithfield Foods. They have proposed to give to the Town of Smithfield the V.W. Joyner property where the old ham processing facility was on Main Street. In return, the town would convey to them about 1.37 acres immediately behind this property here. It is mostly marsh but it does have some high ground. It would be an addition to their office property back there. The town is going to retain a utility easement across that. It has taken quite some time to get back to where we are. In July, you authorized a public hearing. We had that public hearing in August. You authorized the acceptance of the deed and the execution of the deed transferring the property to Smithfield Foods. It has been quite some time. I suggested to the Town Manager that we bring it up tonight as

new business for the purpose of reaffirming your commitment to convey the property.

So we have a motion to authorize the conveyance of the property, 1.37 acres, to Smithfield Foods and the acceptance of the deed for the V.W. Joyner property.

Councilman Pack – So moved.

Vice Mayor Gregory – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion?

Councilman Dr. Cook – Are there any changes in this from last July? It is exactly the same.

Town Attorney – Correct.

Mayor Williams – This is completely different than what we are letting them use behind the war memorial.

Town Attorney - That is the parking lot. We are going to still own that property.

Mayor Williams – I just wanted to make that clear.

Town Attorney – That is correct. This is completely different.

Mayor Williams – We had some confusion before that it was all tied together and we had given it all to Smithfield Foods but we still own that property.

Mayor Williams – We have a motion and a second on the floor to accept the land swap from Joyner field to the area behind the Smithfield Center. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Vice Mayor Gregory voted aye, Councilman Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Is there any other new business? Hearing none, we now move to Old Business. We have a follow up on a speaker at the Water and Sewer Committee last month about a bill that they owe. We will have consideration by Vice Mayor Gregory.

Vice Mayor Gregory – Mr. Mayor, I did have the chance to sit down with the Town Manager and the Town Treasurer earlier this week. I have not had a chance to follow up with my fellow Water and Sewer Committee members. Before we take any action, I would like to consult with them first and we will bring it back.

Mayor Williams – So are you deferring that to the next committee meeting?

Vice Mayor – Yes.

Mayor Williams – Okay, that needs no action. We will just defer that. Is there any other old business? Hearing none, we do have one small item for closed session.

Town Manager – It would be acquisition of real property. I do not think it is disposition; just acquisition.

Town Attorney – We need a motion to go into closed session for the purpose of discussing the acquisition of real property for public purposes.

Councilman Smith – So moved.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Vice Mayor Gregory voted aye, Councilman Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

*Town Council went into closed session at 8:29 p.m.*

*Town Council went back into open session at 8:51 p.m.*

Town Attorney – Mr. Mayor, we need a motion to come back from closed session.

Councilman Pack – So moved.

Councilwoman Chapman – Second.

Town Attorney – A motion has been made and properly seconded. All those in favor say aye, opposed say nay.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Vice Mayor Gregory voted aye, Councilman Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Town Attorney – We need a motion that during the closed session there was only a discussion of the acquisition of real property for public purposes pursuant to 2.2-3711A of the Code of Virginia.

Councilman Pack – So moved.

Councilwoman Chapman – Second.

Mayor Williams – A motion has been made and properly seconded. All those in favor say aye, opposed say nay.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Vice Mayor Gregory voted aye, Councilman Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Is there any further business to come before the Council tonight? We are adjourned.

The meeting adjourned at 8:52 p.m.



Mr. T. Carter Williams  
Mayor



Peter Stephenson, AICP, ICMA-CM  
Town Manager